

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

Santander Bank, N.A.,

Plaintiff,

v.

Empyrean Auto Group, LLC,
Basin Subaru, LLC, Ronald J.
Lillard, and Pete Martinez, Jr.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Case No: 2:19-cv-00088-DSM

AGREED FINAL JUDGMENT

Plaintiff, Santander Bank, N.A., has filed its complaint herein, and Defendants, Empyrean Auto Group, LLC, Basin Subaru, LLC, Ronald J. Lillard and Pete Martinez, Jr., have appeared. All parties have announced they have agreed to a settlement of the matter involved in this suit, by executing this agreement.

The Court, upon request of the parties, finds that it has jurisdiction of the parties and subject matter; that Defendants, by virtue of their agreements with Santander Bank, N.A. are indebted to Santander Bank, N.A.; that the Court has considered the pleadings and the evidence and is of the opinion that it would be in the best interest of the parties if the Court approves this agreement and renders judgment accordingly.

The parties hereby agree and the Court finds that Defendants, Empyrean Auto Group, LLC, Basin Subaru, LLC, Ronald J. Lillard and Pete Martinez, Jr., are jointly and severally liable and responsible for payment to Santander Bank, N.A., as follows:

1. Basin Subaru, LLC's unpaid principal balance as of July 1, 2022 in the amount of \$635,419.91, and accrued but unpaid interest in the amount of \$708,822.56 with per diem after October 13, 2022 in the amount of \$166.14 until the date of entry of this judgment, plus Keeper/Floorplan and Cash Audit Fees in the amount of \$559,252.35; and
2. Empyrean Auto Group, LLC's unpaid principal balance as of July 1, 2022 in the amount of \$1,767,003.12 and accrued but unpaid interest in the amount of \$1,931,574.29 with per diem after October 13, 2022 in the amount of \$462.21 until the date of entry of this judgment, plus Keeper/Floorplan and Cash Audit Fees in the amount of \$947,573.67 and Losses on Vehicles Sold at Auction in the amount of \$866,153.67.

The Court further finds that the parties have agree and stipulated that the Defendants, are indebted to the Plaintiff, Santander Bank, N.A. for attorneys' fees in the amount of \$291,461.30, as of October 12, 2022, which are reasonable and necessary attorneys' fees.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED:

1. That Plaintiff, Santander Bank, N.A., is granted a Judgment against Defendants in the amount of \$4,775,402.72 and recover from Defendants the sum of \$4,775,402.72 for principal and fees;
2. The Court awards prejudgment interest against Basin Subaru, LLC at the rate contractually agreed to by Santander and Basin Subaru, LLC to be paid from June

21, 2018 until the date of the entry of this judgment, which currently totals \$708,822.56 with per diem after October 13, 2022 in the amount of \$166.14.

3. The Court awards prejudgment interest against Empyrean Auto Group, LLC at the rate contractually agreed to by Santander and Empyrean Auto Group, LLC to be paid from August 20, 2018 until the date of the entry of this judgment, which currently totals \$1,931,574.29 with per diem after October 13, 2022 in the amount of \$462.21.

4. That Plaintiff, Santander Bank, N.A., shall recover from Defendants the sum of \$291,461.30, as of October 12, 2022, for reasonable and necessary attorneys' fees;

5. That Plaintiff, Santander Bank, N.A., is entitled to post judgment interest and such interest shall accrue at the rate of 4.15% per annum from the date of judgment until the Judgment is paid in full;

6. That all costs of Court be and hereby are taxed against the Defendants;

7. That Plaintiff, Santander Bank, N.A., is hereby granted such writs and processes as may be necessary in the enforcement and collection of this Judgment as provided by law;

8. All relief not expressly granted herein is denied.

This is a Final Judgment.

SIGNED this ____ day of _____ 2022.

JUDGE PRESIDING

APPROVED AND AGREED:

COKINOS | YOUNG

By: /s/Stephanie H. Cook
Stephanie H. Cook
S.D. No. 396487
State Bar No. 24013071
Las Cimas IV
900 S. Capital of Texas Highway, Ste. 425
Austin, Texas 78746
scook@cokinoslaw.com
(512) 476-1080

Attorney for Plaintiff Santander Bank, N.A.

By: /s/Nathaniel Peter Holzer
Nathaniel Peter Holzer
Federal Admissions No. 21503
State Bar No. 00793971
4102 Ocean Drive
Corpus Christi, Texas 78411
pete@npholzerlaw.com
(361) 563-6175

**Attorney for Defendants Ronald J. Lillard
and Empyrean Auto Group, LLC**

BROCKETT, McNEEL & POCSIK, LLP

By: /
Stephen M. Pocsik
Federal Admissions No. 1420485
State Bar No. 24074905
TGAAR Tower
24 Smith Rd., Suite 400
Midland, Texas 79705
p_c_ik_a_brock_tlmcne_l.n't
(432) 686-7743

**Attorneys for Defendants Basin Subaru, LLC
and Pete Martinez, Jr.**

APPROVED AND AGREED:

COKINOS | YOUNG


By: /s/
Stephanie H. Cook
S.D. No. 396487
State Bar No. 24013071
Las Cimas IV
900 S. Capital of Texas Highway, Ste. 425
Austin, Texas 78746
scook@cokinoslaw.com
(512) 476-1080

Attorney for Plaintiff Santander Bank, N.A.

By: /s/
Nathaniel Peter Holzer
Federal Admissions No. 21503
State Bar No. 00793971
4102 Ocean Drive
Corpus Christi, Texas 78411
pete@npholzerlaw.com
(361) 563-6175

**Attorney for Defendants Ronald J. Lillard
and Empyrean Auto Group, LLC**

BROCKETT, McNEEL & POCSIK, LLP

By: /s/ 
Stephen M. Pocsik
Federal Admissions No. 1420485
State Bar No. 24074905
TGAAR Tower
24 Smith Rd., Suite 400
Midland, Texas 79705
spocsik@brockettmcneel.net
(432) 686-7743

**Attorneys for Defendants Basin Subaru, LLC
and Pete Martinez, Jr.**